

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

FIRESTONE FINANCIAL CORP.,

Plaintiff,

v.

609 SEASIDE AMUSEMENTS, INC.,
et al.,

Defendants.

CIVIL ACTION NO. 11-889 (MLC)

O P I N I O N

THE PLAINTIFF, Firestone Financial Corp. ("Firestone"), earlier moved pursuant to Federal Rules of Civil Procedure 55 and 54(b) for final entry of judgment by default against defendants Brian Petaccio, 609 Seaside Amusements, Inc., and United Textile Fabricators, LLC (collectively, the "Defaulting Defendants") on the issue of damages. (Dkt. entry no. 33, Mot. for Default Judgment.) The Court, through an April 13, 2012 Order, denied that motion without prejudice. (Dkt. entry no. 37, 4-13-12 Order.) The rationale underlying the Court's order is detailed in the 4-13-12 Order and will not be repeated here. (See id. at 1-3.) But the Court instructed Firestone in the 4-13-12 Order that Firestone could again move for a final entry of judgment by default against the Defaulting Defendants after having the remaining defendant, Theresa Petaccio ("Petaccio"), dismissed from this action. (Id. at 4.)

FIRESTONE now moves to dismiss the Complaint insofar as it is asserted against Petaccio. (Dkt. entry no. 40, Mot. to Dismiss.) The Court notes that Petaccio has not filed opposition papers, though the deadline for filing such opposition passed on May 7, 2012. The Court also notes that Petaccio's legal counsel represented to the Magistrate Judge's chambers that Petaccio would not oppose the motion.

THE COURT, for good cause appearing, will thus enter an appropriate Order.

s/ Mary L. Cooper

MARY L. COOPER
United States District Judge

Date: May 9, 2012